

REMARKS

Reconsideration of the application is requested.

Claims 1-16 remain in the application. Claims 1-13 are subject to examination. Claim 3 has been amended. Claims 14-16 are allowed.

Under the heading "Claim Rejections - 35 USC § 102" on pages 2-4 of the above-identified Office Action, claims 1-2, 4-6, 8 and 10-11 have been rejected as being fully anticipated by U.S. Patent Disclosure No. 2003/0088681 A1 to Liscano et al. (hereinafter Liscano) under 35 U.S.C. § 102.

First, Liscano is not believed to be available as prior art for the now described reasons. Applicants enclose an unsigned Declaration under 37 C.F.R. § 1.131 swearing back to a date of conception and reduction to practice of **September 2, 2002**.

Also enclosed is an invention disclosure in German and an English translation thereof. A signed copy of the Declaration will be forwarded shortly. As Liscano has a filing date of **November 5, 2002**, Applicants' believe that Liscano is no longer available as prior art.

Second, Liscano teaches a portable electronic device 18 that is connected via a network 16 with a resource 12. The resource 12 has an infrared communications port 14 for

communicating with the IR-interface 20 of the portable electronic device 18 (see paragraph [0019]).

The IR communication between the portable mobile device 18 and the resource 12 serves for exchanging mutual IP addresses regarding the already existing network connection (via the network 16). In addition, a transmission of the URL of the resource 12 to the portable mobile device 18 is also performed to allow an Internet based connection. Thus, this operation cannot be considered a logging-on of the portable mobile device to the network, since the network connection - as already mentioned - must have existed prior thereto and, is only triggered by the IR communication. In other words, only data are exchanged and no announcement to the system is performed as recited in claims 1, 10 and 11 of the instant application.

Finally, it emerges nowhere that the network 16 of Liscano is a radio network. Even a mobile device can be connected by wires to a network (for example, a portable computer such as a laptop or a PDA in a hotel room).

It is, however, exactly this combination between wireless optical communication for the one-time log-on (announcement) of a device in the communication network and the follow on radio communication (see claims 1, 10 and 11 of the instant

application) during operation of the network, which represents the particularity of the invention of the instant application. In this way, it is guaranteed that the device, which logs on, logs on exclusively to the desired control device via the limited range optical communication, however, that afterwards communication between the device now logged-on and the control device is guaranteed via the greatly far-reaching radio communication independently upon the locations of these devices without requiring an infrastructure which is expensive to install (e.g. Internet connections).

Under the heading "Claim Rejections - 35 USC § 103" on pages 4-5 of the above-identified Office Action, claims 7-9 and 12-13 have been rejected as being obvious over U.S. Patent Disclosure No. 2003/0088681 A1 to Liscano et al. (hereinafter Liscano) in view of U.S. Patent Disclosure No. 2003/018448 A1 to Kagan (hereinafter Kagan) under 35 U.S.C. § 103.

As stated above, Liscano is believed to be unavailable as prior art and does not anticipate either claim 1 or 11. As claims 7-9 and 12-13 are dependent on either claim 1 or 11 they are believed to be allowable.

It is appreciably noted that claim 3 is allowable. Claim 3 has been put in independent form. Please find enclosed a

credit card authorization for \$200.00 for the entry of the additional independent claim.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 10, 11, or 14.

Claims 1, 10, and 11 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on one of claims 1 and 11.

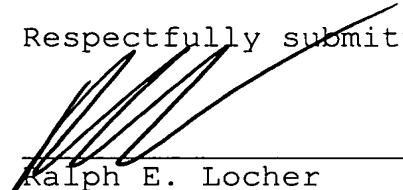
In view of the foregoing, reconsideration and allowance of claims 1-13 are solicited. Claims 14-16 are allowed.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner Greenberg Stemmer LLP, No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner

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Respectfully submitted,



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